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FOURTH REVIEW CONFERENCE OF THE PARTIES TO THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS

COMMITTEE II

PROVISIONAL SUMMARY RECORD OF THE 8TH MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 5 September 1990, at 4 p.m.

Chairman: Mr. STRULAK (Poland)

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Draft report of the Committee

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The meeting was called to order at 4.50 p.m.

DRAFT REPORT OF THE COMMITTEE

The CHAIRMAN invited the Committee to consider, paragraph by paragraph, the substantive part of its draft report, contained in an informal document which, for the time being, was available only in English.

A. Review of article III

Paragraphs 1-3

Paragraphs 1-3 were adopted.

Paragraph 4

Mr. SOLTANIEH (Islamic Republic of Iran), referring to the footnote to paragraph 4, requested that the name of his delegation should be added to that of the delegation of Mexico as having expressed a reservation on the inclusion of the phrase "in non-nuclear-weapon States" in the second sentence of the paragraph.

Mr. WAYARABI (Indonesia), Mr. ADYERI (Uganda), Mr. PALIHAKKARA (Sri Lanka), Mr. GOMAA (Egypt), Mr. MGOKWERE (Nigeria), Mr. HADDAD (Syrian Arab Republic), Mr. BIN ALI (Malaysia), Mr. HILALE (Morocco), Mr. SAHBOUN (Libyan Arab Jamahiriya), Ms. HERNANDEZ (Venezuela) and Mr. CULAFIC (Yugoslavia) also requested that the names of their delegations should be included in the footnote.

It was so agreed.

Paragraph 4 and the footnote thereto, as amended, were adopted.

Paragraphs 5-13

Paragraphs 5-13 were adopted with minor drafting changes.

Paragraph 14

Mr. SOLTANIEH (Islamic Republic of Iran), referring to the third sentence of paragraph 14, said that, as explained in an earlier statement, his Government considered the Convention on the Physical Protection of Nuclear Material to be discriminatory and therefore could not associate itself with an appeal to all States that had not done so to adhere to the Convention at the earliest possible date. He proposed the deletion of the sentence in question.

The CHAIRMAN pointed out that the paragraph as a whole had been provisionally adopted by the Committee. He suggested that a footnote should be added indicating that the delegation of the Islamic Republic of Iran had requested the deletion of the third sentence.

After a brief discussion in which the CHAIRMAN and Mr. TIMERBAEV (Union of Soviet Socialist Republics) took part, Mr. SOLTANIEH (Islamic Republic of Iran) said that, while remaining unsatisfied, he would not block the consensus by insisting on his proposal.

The CHAIRMAN expressed his appreciation of the co-operative attitude adopted by the representative of the Islamic Republic of Iran.

Paragraph 14 was adopted.

Paragraphs 15-17

Paragraphs 15-17 were adopted.

Paragraph 18

Mr. WAYARABI (Indonesia) proposed that in the second sentence, reading "Without prejudice to the existing principles guiding international co-operation in the peaceful uses of nuclear energy, the Conference in this regard calls for early consultations among States to ensure that their supply and export controls are appropriately co-ordinated.", the words "especially article IV of the NPT," should be inserted after the word "energy".

It was so agreed.

Paragraph 18, as amended, was adopted.

Paragraph 19

Mr. PARK (Republic of Korea) suggested that a sentence reading "In this context, regional fuel cycle centres should also be considered further." should be added at the end of paragraph 19.

It was so agreed.

Paragraph 19, as amended, was adopted.

Paragraph 20

Mr. SOLTANIEH (Islamic Republic of Iran), referring to paragraph 20, which read:

"The Conference urges all non-nuclear-weapon States which have not already done so to make an international legally binding commitment not to acquire nuclear weapons or other nuclear explosive devices and to accept IAEA safeguards on all their peaceful nuclear activities, both current and future, to verify that commitment. The Conference further urges nuclear supplier States to require henceforth as a necessary condition for the transfer of relevant nuclear supplies to non-nuclear-weapon States under new supply arrangements, such a commitment and acceptance of such safeguards.* The Conference expresses its view that accession to the Treaty is the best way to achieve these

objectives. The Conference stresses that the application of such safeguards in additional States should not diminish resources for the IAEA's promotional programmes in the application of nuclear energy for peaceful purposes.",

said that his delegation had two points of concern arising from the text but that in a spirit of compromise would be willing to accept the wording as it stood on the understanding that his delegation interpreted, firstly, "all their peaceful nuclear activities" to mean safeguardable peaceful nuclear activities and facilities in the framework of the categorization of safeguards and, secondly, "relevant nuclear supplies to non-nuclear-weapon States under new supply arrangements" to mean not that any other arrangement or additional restriction was to be imposed on the developing countries, but that the text referred to new contracts in the future.

Mr. GHISI (Italy), referring to the footnote to paragraph 20, which read:

"The delegations of Belgium, the Soviet Union, Switzerland and the United Kingdom expressed a reservation on the inclusion of the word 'require' and proposed as an alternative formulation the following: 'join together in requiring'. The delegation of Italy expressed the same reservation and proposed as alternatives to 'require' the expressions 'consider' or 'consider requesting'.",

said that Italy could be included among the names of countries at the beginning of the footnote and that the final sentence should consequently be deleted.

It was so agreed.

Paragraph 20 was adopted with the footnote as amended.

Paragraph 21

Paragraph 21 was adopted.

Paragraph 22

The CHAIRMAN pointed out that the first sentence of paragraph 22, which read:

"The Conference also recommends that the Director General of IAEA as a matter of priority further pursue the conclusion of such agreements and encourage their timely entry into force, and that parties to the Treaty, in particular the depositary parties, should actively support this activity, and that the Director General should keep member States of IAEA informed of his efforts and the responses thereto.",

should be amended, in accordance with the discussion in informal meetings, to read:

"The Conference also recommends that the Director General of IAEA as a matter of priority further facilitate the conclusion and entry into force of such agreements, and that parties to the Treaty, in particular the depositary parties, should actively support this activity."

Paragraph 22, as amended, was adopted.

Paragraphs 23-26

Paragraphs 23-26 were adopted.

Paragraph 27

Ms. HERNANDEZ (Venezuela), referring to the last sentence of paragraph 27, which read:

"In this regard, the Conference recommends that the Zangger Committee should continue to take appropriate measures to ensure that the export requirements laid down by it do not hamper the acquisition of such items by States parties for the development of nuclear energy for peaceful uses.",

suggested that the word "recommends" should be replaced by "requests" and that the words "should continue to" should be deleted.

Mr. MAKIPENTTI (Finland) observed that the formulation as it stood was the result of a compromise and therefore urged that it should remain.

Ms. HERNANDEZ (Venezuela) said that in the interest of consensus she would not press the amendment, but would wish to have her delegation's preference stated in a footnote.

Mr. MAKIPENTTI (Finland) said that, in the interests of minimizing the number of reservations, his delegation would be prepared to accept the Venezuelan proposal to substitute "requests" for "recommends". The other sponsors accepted that amendment.

Ms. HERNANDEZ (Venezuela) thanked the representative of Finland and withdrew her delegation's reservation.

Paragraph 27 was adopted as amended.

Paragraphs 28 and 29

Paragraphs 28 and 29 were adopted.

B. Review of article VII

Paragraphs 1-5

Paragraphs 1-5 were adopted.

Paragraph 6

Mr. YOUN (Democratic People's Republic of Korea) said that he had made a proposal relating to a nuclear-weapon-free zone on the Korean peninsula, which read as follows:

> "The Conference notes the proposal of the Democratic People's Republic of Korea for a nuclear-weapon-free zone on the Korean peninsula. The Conference also notes that the Republic of Korea and other States oppose the proposal in view of the general criteria for the establishment of nuclear-weapon-free zones mentioned above."

The words "mentioned above" were intended as a reference to paragraphs 2 and 4. He wished to know whether his proposal was to be incorporated into paragraph 6, reading: "The Conference takes note of the existing proposals and the ongoing regional efforts to achieve nuclear-weapon-free zones in different areas of the world.", to which his delegation had originally expressed a reservation, as indicated in a footnote to the paragraph.

Mr. MEERBURG (Netherlands) said that the understanding which had been reached was that the single sentence in paragraph 6 would remain as it stood, while the proposal by the Democratic People's Republic of Korea could take the form of a separate paragraph to be numbered 19.

Mr. VILLARROEL (Philippines), Vice-Chairman, said that the logical place for the proposal seemed to be paragraph 6, following the existing single sentence.

Mr. MEERBURG (Netherlands) said that it had originally been planned to add those two sentences to paragraph 6 but, on reflection, it had been decided to turn them into a separate paragraph. The single sentence which at present formed paragraph 6 embodied what was clearly a general principle. It did not seem appropriate to insert at that point a reference to a particular country or region. It should not be forgotten that there were proposals for nuclear-weapon-free zones in other parts of the world, to which no reference was going to be made in the report.

Mr. ADYERI (Uganda) agreed: paragraphs 1 to 6 contained general statements in which no particular countries were mentioned. It would be out of place to insert in paragraph 6 a reference to the Korean peninsula, only to continue thereafter with generalities. The logical place for the proposal was after paragraph 18.

Mr. CLARK (United Kingdom) agreed with the previous speaker.

The CHAIRMAN suggested that the Committee should adopt paragraph 6 as it stood, in its original single-sentence form, and without the footnote relating to the reservation by the Democratic People's Republic of Korea.

It was so decided.

said that the paragraph currently proposed was:

The CHAIRMAN invited the Committee to adopt the text of the proposal by the Democratic People's Republic of Korea as paragraph 19.

It was so decided.

Paragraph 7

Mr. LENDVAI (Hungary), referring to the second sentence of paragraph 7, which read:

"In this connection, and taking into account the latest international political developments, which are more conducive than in the past to the establishment of zones in certain regions of the world, nuclear-weapon States are invited to assist the efforts of States to create nuclear-weapon-free zones, and to enter into binding undertakings to respect strictly the status of such a zone and to refrain from the use or threat of use of nuclear weapons against the States of the zone.",

said that the words "nuclear-weapon-free" should be inserted between "establishment of" and "zones".

It was so agreed.

Paragraph 7, as amended, was adopted.

Paragraph 8

Paragraph 8 was adopted.

Paragraph 9

Mr. BUJ (Mexico), referring to the penultimate sentence of the paragraph, which read:

"It reaffirms the repeated exhortations of the General Assembly to France, which is already a signatory of Additional Protocol I, to ratify it, and reiterates its call upon the Latin American States that are eligible to become parties to the Treaty to do so at an early date to ensure the full implementation of the Treaty in the region.",

proposed that the order of words be changed so that it read:

"It reiterates its call upon the Latin American States that are eligible to become parties to the Treaty to do so at an early date to ensure the full implementation of the Treaty in the region, and it reaffirms the repeated exhortations of the General Assembly to France, which is already a signatory of Additional Protocol 1, to ratify that Protocol."

Mr. KAYSER (Luxembourg) endorsed the proposal made by the representative of Mexico. He none the less considered that an imbalance remained in the text in that one country was mentioned by name whereas the relevant Latin American countries were not; he therefore expressed a reservation on that point.

Paragraph 9, as amended, was adopted.

Paragraphs 10 and 11

Paragraphs 10 and 11 were adopted.

Paragraph 12

Mr. ROSENTHAL (United States of America), referring to the footnote to paragraph 12, which read: "The delegation of the United States expressed a reservation to the text in the first sentence of paragraph 12.", said that the latter part should be amended to read: "... the first two sentences of paragraph 12.".

Mr. CLARK (United Kingdom) pointed out that, owing to a printing error, a passage was obviously missing from the text of the concluding sentence of paragraph 12, which read:

> "All States parties directly concerned are urged to consider seriously taking the practical and urgent steps required for the weapon-free zone in Africa, and to enter into binding undertakings to respect strictly the status of such a zone and to refrain from the use or threat of use of nuclear weapons against the States of the zone."

The CHAIRMAN invited the Vice-Chairman to clarify the matter.

Mr. VILLARROEL (Philippines), Vice-Chairman, said that the intention was to quote the last two sentences of paragraph 14 of that part of the Final Declaration of the Third Review Conference which dealt with article VII. The correct text should therefore be:

> "All States parties directly concerned are urged to consider seriously taking the practical and urgent steps required for the implementation of the proposal to establish a nuclear-weapon-free zone in Africa. The nuclear-weapon States are invited to assist the efforts of States to create a nuclear-weapon-free zone in Africa and to enter into binding undertakings to respect strictly the status of such a zone and to refrain from the use or threat of use of nuclear weapons against the States of the zone."

The CHAIRMAN said that, if there were no further comments, he would take it that the Committee agreed to adopt paragraph 12 as amended.

It was so decided.

Paragraphs 13, 14 and 15

Paragraphs 13, 14 and 15 were adopted.

Paragraph 16

The CHAIRMAN pointed out that the word "sentences" in the footnote to paragraph 16 should be corrected to read "sentence".

Paragraph 16 was adopted as amended.

Paragraph 17

Mr. WAYARABI (Indonesia) proposed that, in the first sentence, the reference to the ASEAN States' "summit meeting in December 1987" should be changed to "their summit meeting in December 1987 in Manila".

Paragraph 17 was adopted as amended.

Paragraph 18

Mr. VILLARROEL (Philippines), Vice-Chairman, said that paragraph 18, which now read "The Conference takes note of the idea of establishing a nuclear-weapon-free zone in South-East Asia had been endorsed by other South-East Asian countries", should be changed to read: "The Conference takes note that the idea of establishing a nuclear-weapon-free zone in South-East Asia has been endorsed by other South-East Asian countries."

Paragraph 18 was adopted as amended.

The CHAIRMAN reminded the Committee that it had adopted an additional paragraph, to be numbered 19, as a result of the discussion on paragraph 6.

The Committee had now completed its consideration of sections A and B of the report, relating to the review of articles III and VII. He invited the Committee to adopt sections A and B, as a whole, as amended.

It was so decided.

C. Review of article X

The CHAIRMAN said that the Committee would now engage in informal consultations to examine the various proposals relating to the review of article X.

The meeting was suspended at 6.30 p.m. for informal consultations and resumed at 6.45 p.m.

The CHAIRMAN said that despite serious efforts, it had not been possible to agree on a compromise text on the review of article X with regard to the convening of an extension conference in 1995 together with the Fifth Review Conference. Consequently, it had been decided to refer the working

papers which had been submitted (NPT/CONF.IV/MC.II/WP.9, WP.10 and WP.10/Rev.1) to the Drafting Committee and to annex them to Main Committee II's report.

Mr. BUJ (Mexico) said that document NPT/CONF.IV/L.3 should also be included in the above-mentioned list of documents, having been the basis for NPT/CONF.IV/MC.II/WP.10/Add.1.

The CHAIRMAN said that comment could be reflected in the record.

Having considered the language decided upon by Main Committee I for the review of articles I and II, and the wording produced by Main Committee III for the review of article IX, it had been decided to state in the report that Main Committee II would not propose additional formulations for those articles.

After reading out a number of technical changes in the descriptive part of the report, he said that if he saw no objections, he would take it that Main Committee II wished to adopt the report as amended.

It was so decided.

Mr. BUJ (Mexico) said that his delegation approved the wording of the report, but reserved the right to make its position known in the light of the final document.

The CHAIRMAN, noting that Main Committee II had completed its work, thanked the members of the Committee and the secretariat staff for their co-operation.

The meeting rose at 7.10 p.m.